

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

EUGENE SCALIA, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

LA CARRETA-DERRY, INC., d/b/a LA CARRETA
MEXICAN RESTAURANT; LA CARRETA-
LONDONDERRY, LLC d/b/a LA CARRETA
MEXICAN RESTAURANT; and HERIBERTO LEON,

Civil Action No. 1:20-cv-01185-PB

Defendants.

DEFENDANTS' MOTION TO EXTEND TIME TO FILE
OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND
REQUEST FOR EXPEDITED TREATMENT

The Defendants, La Carreta-Derry, Inc., d/b/a La Carreta Mexican Restaurant, La Carreta Londonderry, LLC d/b/a La Carresta Mexican Restaurant, and Heriberto Leon (collectively, "Defendants"), respectfully request that the Court extend the deadline to file an Opposition to the Motion for Summary Judgment filed by the Plaintiff, Eugene Scalia, Secretary of Labor, United States Department of Labor (the "Plaintiff"), as set out below:

1. The Plaintiff filed a Motion for Summary Judgment (Docket No. 19) on February 2, 2022. The Defendants' deadline to file an Opposition is currently March 3, 2022.
2. The Defendants are currently actively engaged in settlement negotiations with the Plaintiff.

3. The Defendants believe that the parties are close to reaching an agreement to settle the matter.

4. The Defendants request this extension of time to file an Opposition to the Plaintiff's Motion for Summary Judgment to allow sufficient time to complete the settlement negotiations, in order to conserve litigation resources.

5. In the event that the settlement negotiations are not successful, the Defendants intend to oppose the Plaintiff's Motion for Summary Judgment.

6. Accordingly, the Defendants are seeking a 29-day extension of the deadline to file an Opposition to the Plaintiff's Motion for Summary Judgment.

7. The Defendants believe that the requested relief will promote resolution of the case and, pursuant to Local Rule 7.2(a), the Defendants state that, in light of the Court's need to continue the trial date, the extension of time requested in this Motion will not significantly delay the proceedings, or result in the need to extend the date of any hearing, conference or trial in this matter.

8. Pursuant to Local Rule 7.1(f), the Defendants request expedited treatment of this Motion.

Respectfully submitted,

LA CARRETA-DERRY, INC., d/b/a
LA CARRETA MEXICAN RESTAURANT;
LA CARRETA-LONDONDERRY, LLC
d/b/a LA CARRETA MEXICAN
RESTAURANT; and HERIBERTO LEON,

By their attorneys,

MCLANE MIDDLETON
PROFESSIONAL ASSOCIATION

By: /s/ Laura M. Kahl

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Dated: March 3, 2022

**CERTIFICATION OF GOOD FAITH ATTEMPT TO OBTAIN CONCURRENCE
WITH RELIEF SOUGHT**

I hereby certify, pursuant to Local Rule 7.1(c), that prior to filing this Motion to Extend Time to File Opposition to Plaintiff's Motion for Summary Judgment and Request for Expedited Treatment, on behalf of the Defendants, I conferred with counsel for the Plaintiff in good faith regarding whether the Plaintiff would assent to this Motion. Counsel for the Plaintiff informed me that the Plaintiff did not assent to this Motion.

/s/ Laura M. Kahl

Laura M. Kahl

CERTIFICATE OF SERVICE

I hereby certify that this pleading was served, in accordance with the Court's Administrative Procedures for ECF, on the following persons on this date and in the manner specified herein: Electronically served through ECF to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants, if any:

/s/ Laura M. Kahl

Laura M. Kahl